United Nations A/55/446

General Assembly

Distr.: General
4 October 2000

Original: English

Fifty-fifth session
Agenda item 49
The situation in East Timor during its transition to independence

Letter dated 3 October 2000 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General*

With reference to my letter dated 29 September 2000 and upon instructions of my Government, I have the honour to request that the attached paper, entitled "Indonesia's constructive response to Security Council resolution 1319 (2000) on the question of East Timorese refugees in West Timor", be circulated as a document of the General Assembly under agenda item 49.

(*Signed*) Makarim **Wibisono**
Ambassador
Permanent Representative

* Also issued as document S/2000/922.

00-67406 (E) 051000

Annex to the letter dated 3 October 2000 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

Indonesia's constructive response to Security Council resolution 1319 (2000) on the question of East Timorese refugees in West Timor

I. INTRODUCTION

1. The Atambua incident of 6 September 2000 brought to the fore the sobering reality that one year since the separation of East Timor from Indonesia, "residual issues" of common interest and concern continue abound, in this instance the question of East Timorese refugees in West Timor. Indonesia has consistently recognized the need to manage such issues, as provided for in Articles 5 and 6 of the People's Consultative Assembly (MPR) Decision no. V/MPR/1999 and in the letter of the President of the Republic of Indonesia to the Secretary-General of the United Nations dated 25 October 1999 on the arrangement for the transfer of authority.

2. Beyond constitutional and legal requirements, by virtue of geography, recent shared political and economic experience as well as existing societal links, Indonesia is very much aware of how developments in East Timor affect West Timor and *vice versa*. In this connection, it has been the central overriding policy of the Government of Indonesia to ensure that this reality be positively harnessed by establishing an environment conducive for East Timor in its transition towards independence. The ground breaking visit by President Abdurrahman Wahid of the Republic of Indonesia to Dili is consistent with this spirit, as well as the flourishing process of consultations which Indonesian authorities have established with East Timorese leaders.

3. Nor could one be oblivious to the important strides which the Indonesia-UNTAET negotiations have made over the past year. A myriad of issues have been discussed. Most would not seize international attention, yet all have real practical benefits for ordinary East Timorese. We should not also lose sight of the fact that over the past year, some 155,000 East Timorese refugees in West Timor have safely returned to East Timor. This would not have been possible without the close cooperation the Government of Indonesia provided to the UNHCR and other related international agencies, including the maintenance of the necessary security condition through cooperation between TNI and UNPKF.

4. Without in any way devaluing our collective sense of outrage at the Atambua incident, the Government of Indonesia should like to enjoin the United Nations to appreciate this wider perspective in responding to the said incident. Above all, we should not allow the perpetrators of the tragic Atambua incident to derail the positive progress we have made over the past year. Instead, Indonesia and the United Nations should

reaffirm their commitment to resolve all the residual issues within a cooperative framework, involving the people of East Timor of all persuasions and relevant international organizations and agencies. It is within such overarching perspective that Indonesia should like to approach the Atambua incident.

II. THE ATAMBUA INCIDENT

5. The Indonesian police (Polri) is presently conducting a thorough investigation of the Atambua incident, involving not only the attack against the UNHCR Atambua office but also the acts of violence directed against the local population as well as the murder of an East Timorese refugee, Olivio Mendoza Moruk.

6. The incident appeared to have been sparked by the murder of Olivio Mendoza Moruk on 5 September 2000 as a result of fighting involving locals at the Umarlortoos Village, Malaka Barat Sub-District. In an apparent response, on Wednesday, 6 September 2000, at approximately 8 AM some 3000 refugees from the Besikama and Betun camps made their way to the premises of the House of Representatives of the District of Belu (DPRD) carrying the body of Olivio Mendoza Moruk. On their way to DPRD, some members of the crowd separated themselves and went to the UNHCR Atambua office. The UNHCR Atambua office was attacked.

7. As a result, three UNHCR international personnel were killed. Police officials on duty at the time of the incident have asked all UNHCR personnel to vacate the UNHCR office under Polri protection. Of the 13 UNHCR personnel, 10 complied to this request and were escorted to safety. Three insisted to remain in the UNHCR premise and were unable to be saved. It is also essential to underline that the incident on 6 September 2000 took the lives of six locals. Meanwhile material damage are still being assessed.

8. In this regard Indonesia notes with deep regret that Security Council resolution 1319 (2000) contains a glaring factual inaccuracy with respect to the incident which was supposedly to have taken place on 7 September 2000 at Betun in which a number of refugees are killed. Indonesia finds such workmanship by the Council in drafting the resolution to be irresponsible and lacking in the most basic standard of professionalism.

9. The Indonesian Government cooperated closely with the UNHCR and UNTAET in evacuating and relocating international and national humanitarian personnel from Atambua to Dili and from Kupang to Denpasar. Indonesian nationals who were evacuated from Atambua to Dili have subsequently returned to Indonesia.

III. STEPS TAKEN TO OVERCOME THE ATAMBUA INCIDENT

10. In response to the Atambua incident and cognizant of Security Council resolution 1319 (2000), the Government of Indonesia has taken a number of immediate and medium term steps, directed towards three main issues, namely:

- investigation of the incident;
- disarming of the so-called militia; and
- comprehensive and lasting solution to the question of the East Timorese refugees in West Timor.

11. Primary among these are steps to restore law and order in the affected area in West Timor. The events of 6 September 2000 vividly illustrate the validity of the Indonesian Government's lamentation of the wide-ranging political, economic and social impacts of the prolonged presence of the East Timorese refugees on West Timor, hence Indonesia's overriding interest in seeing a comprehensive resolution of the issue. The Indonesian province of Nusa Tenggara Timur, of which West Timor is part, is among the least endowed of Indonesia's 27 provinces. Yet, over the past year it has provided refuge for, at its peak, approximately 285.000 East Timorese refugees. As an added challenge, virtually overnight West Timor became host to international agencies, inter-governmental as well as non-governmental, thereby further taxing its already stretched resources.

12. Within such perspective , Indonesia needs hardly be reminded by the Security Council through its resolution 1319 (2000) to take steps to restore law and order in the affected area in West Timor. No less than six of the fatalities as a result of the Atambua incident involve locals. As a result of the rapid and firm response by the Government of Indonesia condition of normalcy has been restored. Such response include:

a. the additional deployment of two TNI battalions and one Police battalion. One platoon of the aforementioned police battalion will be helping to investigate the incident while another platoon will undertake negotiations with all concerned parties;
b. cooperation with local community, refugees and religious leaders in appealing to the public for calm;
c. the evacuation of international and national humanitarian personnel both to East Timor and Denpasar;
d. the protection of public buildings and offices of the UN and international agencies; and

e. the maintenance of order at the other refugee camps.

Specifically on the deployment of additional TNI and Police battalions, on the very morning of 6 September 2000, before information about the eruption of the violence in Atambua became known, the Government of Indonesia had in fact formally decided to deploy additional one TNI battalion to West Timor as part of efforts to enhance security in the border area.

13. With respect to the disarming and disbanding of the so-called militia, it is important to recall that the latter have disbanded themselves in December 1999 and that Indonesian authorities have confiscated 817 firearms made up of 214 standard weapons, 603 home assembled weapons, 19.926 ammunitions and 66 grenades. The Police shall continue and indeed enhance such operations and shall work to prevent the regrouping of the former "militia" group. The recent reinforcement of TNI forces and Police to West Timor is expected to further facilitate this effort.

14. Specifically, the relevant authorities have, as a first step, set a certain period of time within which the "militia" should voluntarily hand over their weapons. Beyond this period, the authorities would take enforcement steps to confiscate the weapons. Indonesia is aware of the potential for disturbances and violence. Therefore, on 14 and 15 September 2000 in Denpasar, high ranking Indonesian authorities have held constructive discussions with representatives of *Uni Timor Aswain* (UNTAS), the umbrella organization of pro-integration East Timorese, and other refugee leaders to address these issues. At the aforesaid meetings, UNTAS reaffirmed its previously announced condemnation of the violence in Atambua and pledged their cooperation in assisting in the handing over of weapons and in the investigation process. As a result of the talks in Denpasar, the voluntary hand over of the weapons by the individuals concerned is planned to take place over the next few days in Kupang.

15. A central element of the effort to overcome the Atambua incident is to bring the perpetrators to justice. In this connection, Polri has questioned 20 individuals suspected of involvement in the attack against the UNHCR Atambua office. One other person identified with respect to the murder of Olivio Mendoza Moruk has been detained. The additional deployment of TNI and Polri, including the Polri investigators, are expected to facilitate further the investigation process over the Atambua incident. In conducting this process, however, the authorities must also proceed with a fair degree of prudence in order to avoid provoking unnecessary new public/mass disturbances. The result of these investigations are expected in the near future.

16. In the aftermath of the Atambua incident, the Government of Indonesia is tasked to urgently fill the void created by the departure of the UNHCR and other relevant international humanitarian agencies in order to ensure continued emergency humanitarian relief to East Timorese refugees. Unless appropriately addressed, this could become another source of tensions and instability. As an immediate emergency response, Indonesia has sent 100 tonnes of rice for the East Timorese refugees.

17. Indonesia is also cognizant of the exhortation by the Security Council in resolution 1319 (2000) to prevent cross-border incursions into East Timor. Indonesia is in full agreement that, indeed, cross-border incursions, are a matter of serious concern. However, there should be recognition that this is not an exclusively UNTAET concern since cross border incursions have also been detected from East Timor to West Timor. The Government of Indonesia, as a matter of choice, has chosen to pursue such matters directly with UNTAET, primarily between the Udayana Area Commander and the UNPKF Force Commander, and when necessary, through diplomatic channels. To illustrate, Indonesia formally recently submitted its concern over the violation of its territory by some 50 armed East Timorese at the Tahon sub-village, Village of Makir, West Timor, on 2 September 2000. From the outset Indonesia has been imbued with the determination to approach the subject within a cooperative framework and to refrain from self-serving recriminations and accusations. Indonesia's approach is symbolized by its proposal last March for a joint patrol, joint border posts and exchange of military liaison officers between the UNPKF and TNI, which were unfortunately turned down by UNTAET. By its very nature, border security is a matter of joint responsibility.

18. Indonesia, therefore, is particularly pleased that agreement on the establishment of a Joint Border Committee has been reached with UNTAET on 14 September 2000. This shall provide a mechanism and institutionalized processes to address border related issues, including border security as referred to in Security Council 1319 (2000).

19. In view of the constructive responses the Indonesian Government has taken to address issues of concern contained in Security Council resolution 1319 (2000), it does not see any need for a Security Council mission. From the outset and even before the notion of such Security Council mission was broached in public, the President of the Republic of Indonesia has instructed on 11 September 2000 that there should be a line of communication between the Government and the Secretary-General of the United Nations on issues relating to the Atambua incident. As an expression of goodwill, the decision to send a Special Envoy is to directly inform the various steps Indonesia has

taken in response to the Atambua incident. In addition, the Foreign Minister, in New York to attend the Millennium Assembly, has been assigned to keep the Secretary-General and members of the Council continuously informed of the development of these endeavours.

20. The steps Indonesia has taken have mitigated the need for a Security Council mission. However, we are open to discuss all related issues with regard to Security Council resolution 1319 (2000). In addition, the Government also stands ready to hold periodic briefings to the Ambassadors of the Member States of the Security Council in Jakarta as well as for the Special Envoy to visit New York to up-date the Council on the developments on the ground.

IV. THE ATAMBUA INCIDENT IN THE LARGER CONTEXT OF EFFORTS TO SETTLE THE RESIDUAL PROBLEMS RELATING TO EAST TIMOR

21. In responding to the Atambua incident, one should not lose sight of the wider perspective of Indonesia - East Timor relations. For Indonesia, a successful transition process in East Timor is a vital national interest. Indeed, Indonesia's interest rests in seeing a post-UNTAET East Timor which is stable, democratic and prosperous. For the immediate term and in view of Indonesia's own resource constrains, Indonesia's focus is today on policies that are helpful to East Timor's development through arrangements that are most beneficial to East Timor, subject to Indonesia's laws and regulations. This is consistent with the spirit of the policy of the Government of Indonesia to open a new page in its relationship with East Timor, that is forward looking and based on the principle of good-neighbourliness.

22. Hence, over the past year together with UNTAET, Indonesia has reached meaningful progress in its discussions on issues such as the continuation of studies by East Timorese students in Indonesian institutions of higher learning through Indonesian as well as third party scholarships, practical legal training for East Timorese lawyers, exchange and protection of cultural artifacts, exchange of archives, assets and claims, pensions and benefits for former civil servants as well as cooperation in the field of human rights. The Office of the Attorney General of the Republic of Indonesia has also established close cooperation with the UNTAET Serious Crime Investigation Unit in investigating cases of grave human rights violations in East Timor.

23. Moreover, the incident has added further motivation to pursue this cooperative process in an even more urgent manner. At the same time, however, Indonesia is mindful of the fact that the same events remind of the need to set priorities: to address the root causes of the common challenges faced. In this regard, it is the view of the

Indonesian Government that primary among these issues is the comprehensive settlement of the East Timor refugees issue in West Timor.

V. TOWARDS COMPREHENSIVE AND LASTING SETTLEMENT OF THE QUESTION OF EAST TIMORESE REFUGEES IN WEST TIMOR

24. The unresolved issue of East Timorese refugees in West Timor is especially poignant for Indonesia. Others may fleetingly express their concern, indeed their frustration at the perceived lack of progress over the refugees issue. They may selectively highlight special issues of concern - "militia" and "security in the camps" come especially to mind. Also, they may choose to simplify; to attribute blame when circumspection would have been prudent. Indonesia can not afford such luxuries. It does not have the option to allow the issue to wane from international attention. Nor can it afford to ignore the multifaceted nature of the East Timorese refugees problem. It certainly would not involve itself in recriminations about responsibilities.

25. For Indonesia, the prolonged existence of the some 250 refugee camps/sites in West Timor has generated a multitude of problems and challenges beyond those which are humanitarian and emergency relief in nature, including security. This involves at least three dimensions. First, security within the camps, namely charges of intimidation and violence committed by armed individuals or groups against the refugee population. Second, security between the refugees at the camps and the local population in West Timor given the increasing tensions between them. Third, security across the border given allegations that the refugee camps have been used as bases or staging posts for cross border incursions by armed individuals or groups. The Atambua incident and the recent border-related incidents are cases in point.

26. Politically, the continued existence of the camps in West Timor risks further alienating the refugee population from the important political processes currently underway in East Timor and may hinder the process of reconciliation among East Timorese, especially in view of the alleged campaign of disinformation carried out by some quarters. And indeed, for Indonesia, the issue has the potential to affect its bilateral ties with friendly countries and also with international organizations.

27. Indonesia is also mindful of the economic and financial consequences. The remaining 130.000 East Timorese refugees in camps in West Timor have imposed heavy economic and financial burden not only on the Central Government, which is already overburdened by the existence of hundreds of thousands of internally displaced persons from other conflict-affected areas, but also and in particular on the Province of East Nusa Tenggara which is among the least endowed in resources among

Indonesian provinces. Such burden has also been directly felt by the local population who are already impoverished. Conversely, the return of the refugees to East Timor, many of whom are skilled in farming, small business and administration, would be essential for the future development of East Timor.

28. Above all, Indonesia is very much seized of the humanitarian catastrophe created by the prolonged existence of the refugee camps in West Timor, the frustration, the feeling of abandonment and loss of hope which are prevalent among the refugees. Indonesia is determined to immediately overcome this inhumane situation.

29. In recognizing the multifaceted challenges posed by the prolonged presence of the East Timorese refugee camps in East Timor, Indonesia is of the view that we should not lose sight of the progress achieved over the past year. The Government of Indonesia has left no stone unturned in its effort to overcome the refugees issue. Thus, the Department of Transmigration and Population, Department for Resettlement and Area Development under the coordination of the Coordinating Ministry for People's Welfare and Poverty Alleviation have worked closely with the UNHCR, World Food Programme and IOM as well as other related international agencies for the resettlement of those refugees who wish to remain in Indonesia as well as the repatriation of those who wish to return to East Timor. In addition to these programs, the Government of Indonesia has recently instituted a more focused program, namely that which relates to the "Milsas" who are TNI military and civilian personnel recruited in the past in recognition of their role as pro-integration partisans. Progress in this particular effort has been heartening.

30. As a result of these policies, of the some 285.000 East Timorese refugees in West Timor at its peak in October 1999, about 155.000 have returned leaving approximately 130.000 in West Timor. While this is less than optimum, it is also a reality which should not be overlooked. Such progress would not have been possible without the close cooperation between Indonesia, the UNHCR and other relevant international agencies.

31. Constraints for the return of the remaining refugees, although often oversimplified and reduced to questions of security in the camps, are in fact multifaceted, including the situation in East Timor itself. Indonesia is cognizant of the fact that the remaining refugees may be genuinely uncertain about the choice they are to make, as they have lingering doubt about their physical safety and security as well as their living sustenance if they choose to repatriate to East Timor. Many of these remaining refugees appear to have strong emotional ties with Indonesia. In view of this remaining challenge, there is an urgent need for a special, concerted and focused

efforts beyond those which have been taken to date to accelerate the comprehensive resolution of the question of East Timorese refugees in West Timor within a stringent time-frame. The Government of Indonesia is of the view that responsibility in this efforts must be judiciously shared by all concerned parties, not least the UNTAET.

32. In this connection, the Department of Foreign Affairs has undertaken a series of meetings to consult and coordinate with the relevant Government agencies, and have sought the views of concerned international agencies, in particular the UNHCR and IOM, as well as countries in order to formulate a comprehensive plan of action (CPA) for the early comprehensive resolution of the East Timorese refugees issue. The main elements of such a plan include the following:

a. Registration of the refugees, respecting the principle of freedom of choice;
b. The closing of refugee camps which are closest to the border;
c. Those refugees who choose to remain in Indonesia shall be relocated to temporary transit camps away from the border before they are permanently settled in West Timor or in other parts of Indonesia;
d. Those refugees who choose to return to East Timor should be transferred to transit camps in East Timor before they are processed to go to their final destinations in East Timor.

33. The Atambua incident clearly constitutes a short term setback to the momentum for the implementation of such a plan. At the same time, however, the incident and Security Council resolution 1319 (2000) inject a new level of urgency for the comprehensive and lasting settlement of the refugees issues through such CPA. In this connection, the Government of Indonesia has preceded to finalize a credible and realistic CPA through an intensive inter-agency discussions and consultations with the UNHCR and IOM which was last held on Friday, 15 September 2000 in Jakarta. Additional meetings are planned in the days ahead.

34. In implementing such a plan, the voluntary nature of the decision of each and every individual refugee shall be respected. In this connection, the registration of the refugees shall constitute one of the main elements of the plan. The implementation of the closing of the camps near the border in West Timor and the relocation of the refugees either to transit camps in West Timor (away from the border) or to transit camps in East Timor shall be carried out in a sensitive and humane manner, fully respecting the dignity and security of person, preceded by intensive public information campaign among the refugees.

35. Assistance of the international community in such endeavour is vital, including in the establishment of temporary transit camps in West Timor (away from the border) and the final resettlement place in Indonesia, as well as in the establishment of the transit camps in East Timor. With the closing of the camps along the border, there would be no more grounds for false accusations against Indonesia and that the international community, specifically UNTAET, would shoulder a greater responsibility of the burden in resolving this particular issue not only in words but in deeds. Specifically on the latter, the Government of Indonesia is of the view that such transit camps in East Timor, by providing a secure environment, would be of great value in facilitating the return of refugees to their final destination. Above all, it would reflect that indeed, the question of East Timorese refugees in West Timor is a matter for all of us to resolve.

36. Just as important as any of the above concerns, indeed, a prerequisite for the comprehensive settlement of the various issues confronting East Timor in the transition phase as well as in a post-UNTAET East Timor, is reconciliation. Indonesia has consistently urged all East Timorese to engage in reconciliation efforts and has encouraged UNTAET to take a more active role to promote an all-inclusive reconciliation among East Timorese. Indonesia notes in this regard the lack of progress achieved so far. It is, of course, mindful of the serious hurdles which need to be overcome. However, it is incumbent for UNTAET to persevere in this effort and Indonesia for its part stands ready to cooperate with UNTAET and to facilitate this process.

37. Without genuine reconciliation, steps such as disarming and disbanding of "militia" would only provide short term solution, curing the symptom and not the disease. The meetings held in Denpasar on 14 September 2000 initiated by Indonesia and attended by UNTAET, leaders of CNRT, including Xanana Gusmao, and UNTAS offer hope. The agenda for such reconciliation process should be left to the East Timorese parties themselves. Also at the meeting in Denpasar, UNTAET and Indonesia agreed to facilitate such reconciliation.

VI. CONCLUSION

38. Without in any way belittling this sense of outrage following the Atambua incident, it is incumbent to approach this tragic incident within the wider context of the important progress which have been achieved over the past year in dealing with residual issues arising from the transfer of authority over East Timor. The Atambua incident is an aberration. Indonesia is determined that it remains this way. The Indonesian Government has taken a number of concrete measures to deal with the

incident and in response to Security Council resolution 1319 (2000) as outlined above and will continue to implement them. These have already had positive results.

39. Indonesia is of the view that the best guarantee against a repeat of this incident is by comprehensively addressing the root causes of all issues which arises from the transfer of authority over East Timor from Indonesia to the United Nations, in particular the question of East Timorese refugees in West Timor. This is a shared responsibility. The United Nations, including the Security Council, should offer itself as part of the solution. The Indonesian Government for its part stands ready to maintain an open line of communication with the United Nations in resolving these issues in a spirit of cooperation and mutual respect.

Jakarta, 18 September 2000